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05/11/07

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 6335 of 2007

PETITIONER Sahdev Ram Dhruv, s/o Late Shri Kawal Singh Dhruv, Aged about 37 years, Presently posted as Superintendent Boys/Girls Kamar Ashram Dugli and Singhpur (pre-metric hostel), Block-Nagri/Magarlod, District-Dhamtari(CG)

Versus

Respondents

1. State of Chhattisgarh Through: Secretary Tribal Welfare Department, DKS Bhawan, Raipur(CG).
2. The Commissioner, Tribal Welfare Department, Chhattisgarh Government, Raipur (CG)
3. The Collector (Tribal Welfare), District Dhamtari (CG)
4. The Asst. Commissioner, Tribal Welfare Department, District Dhamtari (CG)
5. Smt. Damyanti Kashi, w/o Mannu Kashi, aged about 37 years, Shiksha Karmi Grade-III, Middle School Singhpur, Block-Magarload, District Dhamtari(CG)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri A.S.Rajput, counsel for the petitioner.

Shri Satish Gupta, Dy. Government for the State on advance copy.

ORAL ORDER
(02.11.2007)

Sunil Kumar Sinha, J.

Heard.

The petitioner who is working on the post of Superintendent, Pre-metric Scheduled Caste Girls Hostel, Singhpur, Block Nagri, District- Dhamtari has challenged the validity of order dated 18.8.2007(Annexure P/3), issued by the Collector, Dhamtari. The aforesaid order has been passed on the ground that he was found absent at the time of inspection of 18.8.2007 and also that the students stated that the

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petitioner comes only once in a week in the institution, therefore, the petitioner was negligent in his duties.

Learned counsel for the petitioner argues that on the said date, the petitioner was present in a different institution which is also under his charge. He refers to Annexure P/4. He also submits that the petitioner regularly goes to the Hostel and the allegations made in the suspension order are false.

Admittedly, these are the factual aspects of the matter and the writ Court should not go into such aspects. Moreover, the order has not been challenged on the ground of jurisdiction etc. and there is a provision of statutory appeal in the rules known as Chhattisgarh Civil Services (Classification Control & Appeal) Rules, 1966.

In view of the above, I am not inclined to admit this petition for hearing. This petition is disposed of at this stage. However, the petitioner shall be free to avail the statutory remedy available under the law.

Sd/-
Sunil Kumar Sinha
Judge